

PCT

To:

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2004/013053

International filing date (day/month/year)
10.11.2004

Priority date (day/month/year)
14.11.2003

International Patent Classification (IPC) or both national classification and IPC
A63B23/04

Applicant
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1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/013053

AO/578801

Box No. I Basis of the opinion

AP20 Rec'd PCT/PTO 09 MAY 2006

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2,4-8,10,14-26
	No: Claims	1,3,9,11-13
Inventive step (IS)	Yes: Claims	2,4-6,8,10,14,16-26
	No: Claims	1,3,7,9,11-13,15
Industrial applicability (IA)	Yes: Claims	1-26
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

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Re Item V.

- 1 Reference is made to the following document:

D1 : US 5 916 065 A (MCBRIDE ET AL) 29 June 1999 (1999-06-29)

2 INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document):

an exercise apparatus for exercising lower limbs (D1, column 1, lines 5 to 8), in particular for exercising lower limbs to perform a cyclic muscular exercise, or consisting of an alternating succession of concentric and eccentric steps, said exercise apparatus comprises a carrying structure (12, 14), to which at least one seat (90) for the user and ^{ONE} a support and guide member (24, 26, 52, 54) of two footboards (38) are constrained, as well as an actuator (60, 62) connected to said support and guide member (24, 26, 52, 54) of the footboards, wherein said support and guide member is constrained to the carrying structure by a pin or fulcrum (59) and is adapted for performing a hunting motion on a plane at least on one side relative to longitudinal axis of the apparatus (see D1, figure 1), said footboards describing a curvilinear trajectory around the fulcrum.

Therefore the subject matter of claim 1 is not new.

3 DEPENDENT CLAIMS 3, 7, 9, 11-13, 15

Dependent claims 3, 7, 9, 11-13, 15 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT) (see passages in the international search report).

4 DEPENDENT CLAIM 2

The combination of the features of dependent claim 2 is neither known from, nor rendered obvious by, the available prior art.

Re Item VIII

Certain observations on the international application

1. In claim 1, lines 8 and 9, "a support and guide member of two footboards" and "support bases for feet" are presented as alternatives. As the rest of the claim refers only to the "support member of two footboards" the above mentioned alternatives render claim 1 unclear in the sense of Article 6 PCT.